



General Assembly

Amendment

February Session, 2006

LCO No. 5496

SB0043105496SD0

Offered by:

SEN. LEBEAU, 3rd Dist.
SEN. DAILY, 33rd Dist.
REP. SHARKEY, 88th Dist.

REP. WITKOS, 17th Dist.
REP. SPALLONE, 36th Dist.
REP. LAWLOR, 99th Dist.

To: Senate Bill No. 431

File No. 447

Cal. No. 332

**"AN ACT CONCERNING RETIREMENT OF PROBATE JUDGES
AND EMPLOYEES, THE FEES OF THE PROBATE COURT SYSTEM
AND PROBATE COURT JURISDICTION OF APPLICATIONS FOR
VOLUNTARY OR INVOLUNTARY REPRESENTATION OF A
PERSON ADMITTED TO A HOSPITAL."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (*Effective from passage*) The Probate Court Administrator, in
4 consultation with the executive committee of the Connecticut Probate
5 Assembly after the executive committee obtains input from the
6 Connecticut Probate Assembly, shall obtain the services of an
7 independent financial advisor, or similar expert, to develop: (1) A
8 proposed mechanism for the compensation of judges of probate that
9 shall take into account the health insurance and retirement benefits
10 provided to judges of probate under current law and the time and
11 skills reasonably necessary to perform the duties of a judge of probate;

12 and (2) a proposed mechanism for the compensation of probate court
13 staff. The cost of such services shall be paid from the Probate Court
14 Administration Fund established under section 45a-82 of the 2006
15 supplement to the general statutes. Not later than September 1, 2006,
16 the Probate Court Administrator shall submit such proposed
17 mechanisms to the executive committee of the Connecticut Probate
18 Assembly for review. In conducting such review, the executive
19 committee shall obtain input from the Connecticut Probate Assembly.
20 Not later than October 1, 2006, the Probate Court Administrator shall
21 submit a report containing such proposed mechanisms and any
22 recommended legislation to the joint standing committee of the
23 General Assembly having cognizance of matters relating to the
24 judiciary, in accordance with the provisions of section 11-4a of the
25 general statutes.

26 Sec. 502. (*Effective from passage*) The Probate Court Administrator, in
27 consultation with the executive committee of the Connecticut Probate
28 Assembly after the executive committee obtains input from the
29 Connecticut Probate Assembly, shall study the adequacy of the
30 Probate Court Administrator's enforcement authority with respect to a
31 judge of probate in any situation involving noncompliance or other
32 conduct of such judge that does not warrant the filing of a complaint
33 with the Council on Probate Judicial Conduct pursuant to section 45a-
34 63 of the general statutes. The study shall include, but not be limited
35 to, a consideration of the imposition of monetary sanctions in
36 appropriate situations. Not later than September 1, 2006, the Probate
37 Court Administrator shall submit a report containing the Probate
38 Court Administrator's findings and recommendations, including any
39 recommended legislation, to the Chief Justice of the Supreme Court
40 and the joint standing committee of the General Assembly having
41 cognizance of matters relating to the judiciary, in accordance with the
42 provisions of section 11-4a of the general statutes.

43 Sec. 503. (*Effective from passage*) The Probate Court Administrator, in
44 consultation with the executive committee of the Connecticut Probate
45 Assembly after the executive committee obtains input from the

46 Connecticut Probate Assembly, shall prepare a report identifying
47 potential opportunities for the voluntary consolidation of existing
48 probate districts to achieve a minimum weighted-workload in each
49 probate district. The report shall take into consideration: (1) The
50 adequacy of existing court facilities; (2) the potential expense of
51 expanded court facilities; (3) any reasonable impact of consolidation on
52 travel to and from consolidated court locations; and (4) the impact of
53 any anticipated increase in the number of regional children's probate
54 courts, pursuant to subsection (c) of section 45a-8a of the 2006
55 supplement to the general statutes, on the existing workload of other
56 probate courts. Not later than September 1, 2006, the Probate Court
57 Administrator shall submit an initial report under this section to the
58 executive committee of the Connecticut Probate Assembly and the
59 chief elected official of each town and city affected by any such
60 consolidation, for comment. The executive committee shall obtain
61 input on such initial report from the Connecticut Probate Assembly.
62 Not later than December 31, 2006, the Probate Court Administrator
63 shall submit the final report under this section, including any
64 comments made by the executive committee of the Connecticut
65 Probate Assembly and any such chief elected official, to the Chief
66 Justice of the Supreme Court and the joint standing committee of the
67 General Assembly having cognizance of matters relating to the
68 judiciary, in accordance with the provisions of section 11-4a of the
69 general statutes.

70 Sec. 504. Section 45a-27 of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective October 1, 2006*):

72 (a) Each person who is elected to a first term as a judge of probate
73 after [October 1, 1993,] the effective date of this section shall complete
74 the training program established pursuant to subsection (b) of this
75 section.

76 (b) The Probate Court Administrator, in consultation with the
77 executive committee of the Connecticut Probate Assembly after the
78 executive committee obtains input from the Connecticut Probate

79 Assembly, shall establish, supervise and fund a program of training for
80 newly-elected probate judges that shall include: (1) A course [to be
81 taken between the date of election and the date of assuming office]
82 concerning the rules of judicial conduct for a judge of probate, the
83 ethical considerations arising in that office, the operation of a probate
84 court, and the availability of assistance for a judge in the operation of a
85 probate court; and (2) courses [to be taken within six months after the
86 date of assuming office] that provide fundamental training in (A) civil
87 procedure, including constitutional issues, due process, and
88 evidentiary considerations, (B) property law, including conveyancing
89 and title considerations, (C) the law of wills and trusts, and (D) family
90 law in the context of the probate courts. The courses required by this
91 subsection shall be taken between the date of election and the date of
92 assuming office.

93 (c) The curriculum for the courses required by subsection (b) of this
94 section shall be established by the Probate Court Administrator, in
95 consultation with the executive committee of the Connecticut Probate
96 Assembly after the executive committee obtains input from the
97 Connecticut Probate Assembly, and shall be designed to establish a
98 minimum level of proficiency by judges of probate. The courses shall
99 be given by qualified instructors approved by the Probate Court
100 Administrator. The Probate Court Administrator may waive
101 completion of a course required by subdivision (2) of subsection (b) on
102 demonstration by a probate judge of proficiency in the subject matter.
103 The Probate Court Administrator may, for good cause, allow a probate
104 judge to satisfy a requirement of subsection (b) of this section by
105 auditing, at the office of the Probate Court Administrator or at such
106 other place as the Probate Court Administrator may designate,
107 instructional tapes approved by the Probate Court Administrator. The
108 Probate Court Administrator shall adopt appropriate time
109 requirements for training of a probate judge elected in a special
110 election and may modify other requirements of this section as
111 circumstances may require.

112 Sec. 505. Section 45a-27a of the general statutes is repealed and the

113 following is substituted in lieu thereof (*Effective October 1, 2006*):

114 (a) If a probate judge is unable to complete the training required
115 pursuant to section 45a-27, as amended by this act, within the time
116 required, such judge may request an extension of time for completion
117 of the training from the continuing education committee of the
118 Connecticut Probate Assembly. The committee may, for cause shown,
119 grant the requested extension of time.

120 (b) If a probate judge fails to satisfactorily complete the training
121 required pursuant to section 45a-27, as amended by this act, as
122 determined by a panel of three probate judges appointed by the
123 Probate Court Administrator, within the time required, or within any
124 extension of time granted pursuant to subsection (a) of this section,
125 such judge shall be disqualified to hear any matter as a judge of
126 probate until such time as the judge satisfactorily completes such
127 training and the Probate Court Administrator may refer the judge to
128 the Council on Probate Judicial Conduct for failure to maintain
129 professional competence as a judge of probate by so failing to complete
130 [the training program pursuant to section 45a-27] such training.

131 Sec. 506. Section 45a-76 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective October 1, 2006*):

133 The Probate Court Administrator shall file with the Chief Court
134 Administrator and the joint standing committee of the General
135 Assembly having cognizance of matters relating to the judiciary, on or
136 before the first day of April of each year, a report of the business of the
137 office of the Probate Court Administrator during the year ending on
138 the previous thirty-first day of December, together with any
139 information, including, but not limited to, financial information with
140 respect to the business of said office and the courts of probate and
141 information concerning the regional children's probate courts
142 established pursuant to section 45a-8a of the 2006 supplement to the
143 general statutes, which the Chief Court Administrator or the
144 cochairpersons of said committee may request.

145 Sec. 507. Section 45a-77 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective October 1, 2006*):

147 (a) The Probate Court Administrator may attend to any matters
148 [which] that the Probate Court Administrator deems necessary for the
149 efficient operation of courts of probate and for the expeditious
150 dispatch and proper conduct of the business of [those] such courts. The
151 Probate Court Administrator or the executive committee of the
152 Connecticut Probate Assembly after the executive committee obtains
153 input from the Connecticut Probate Assembly may make
154 recommendations to the General Assembly for legislation for the
155 improvement of the administration of the courts of probate.

156 (b) (1) The Probate Court Administrator may issue regulations,
157 provided such regulations are approved in accordance with this
158 subsection. Such regulations shall be binding on all courts of probate
159 and shall concern [the] auditing, accounting, statistical, billing,
160 recording, filing and other court procedures. (2) The Probate Court
161 Administrator may adopt regulations, in accordance with chapter 54,
162 provided such regulations are approved in accordance with this
163 subsection. Such regulations shall be binding on all courts of probate
164 and shall concern the availability of judges, court facilities, [court
165 personnel and records, hours of court operation] court records and
166 telephone service. (3) Either the Probate Court Administrator or the
167 executive committee of the Connecticut Probate Assembly after the
168 executive committee obtains input from the Connecticut Probate
169 Assembly may propose such regulations. Any regulation proposed by
170 the Probate Court Administrator under this subsection shall be
171 submitted to the executive committee of the Connecticut Probate
172 Assembly for approval. The executive committee shall obtain input on
173 such proposed regulation from the Connecticut Probate Assembly.
174 Any regulation proposed by the executive committee of the
175 Connecticut Probate Assembly under this subsection shall be
176 submitted to the Probate Court Administrator for approval. If either
177 the Probate Court Administrator or the executive committee of the
178 Connecticut Probate Assembly, after the executive committee obtains

179 input from the Connecticut Probate Assembly, fails to approve a
180 proposed regulation under this subsection, such proposed regulation
181 may be submitted to a panel of three Superior Court judges appointed
182 by the Chief Justice of the Supreme Court. The panel of judges, after
183 consideration of the positions of the Probate Court Administrator and
184 the executive committee of the Connecticut Probate Assembly, shall
185 either approve the proposed regulation or reject the proposed
186 regulation.

187 (c) The Probate Court Administrator shall issue regulations,
188 provided such regulations are approved in accordance with this
189 subsection. Such regulations shall be binding on all courts of probate
190 and shall establish minimum standards for (1) hours of court
191 operation, (2) court staffing, taking into consideration the need for
192 adequate coverage for employee absence due to the use of vacation
193 time, sick time and personal leave days, and (3) the allowable
194 workload per full-time court employee. Any regulation proposed by
195 the Probate Court Administrator under this subsection shall be
196 submitted to the Connecticut Probate Assembly for approval. If the
197 Connecticut Probate Assembly fails to approve a proposed regulation
198 under this subsection, such proposed regulation may be submitted to a
199 panel of three Superior Court judges appointed by the Chief Justice of
200 the Supreme Court. The panel of judges, after consideration of the
201 positions of the Probate Court Administrator and the Connecticut
202 Probate Assembly, shall either approve the proposed regulation or
203 reject the proposed regulation.

204 ~~[(c)]~~ (d) The Probate Court Administrator shall regularly review the
205 auditing, accounting, statistical, billing, recording, filing and other
206 procedures, the hours of operation and the staffing of the several
207 courts of probate.

208 ~~[(d)]~~ (e) The Probate Court Administrator shall, personally, or by an
209 authorized designee of the Probate Court Administrator who has been
210 admitted to the practice of law in this state for at least five years, visit
211 each court of probate at least once during each two-year period to

212 examine the records and files of such court in the presence of the judge
213 of the court or the judge's authorized designee. The Probate Court
214 Administrator shall make [whatever] such additional inquiries [are
215 deemed] as the Probate Court Administrator deems appropriate, to
216 ascertain whether the business of the court, including the charging of
217 costs and payments to the State Treasurer, has been conducted in
218 accordance with law, rules of the courts of probate and the canons of
219 judicial ethics, and to obtain information concerning the business of
220 the courts of probate [which] that is necessary for the [administrator]
221 Probate Court Administrator to perform properly the duties of the
222 office.

223 Sec. 508. Subsections (a) and (b) of section 45a-84 of the general
224 statutes are repealed and the following is substituted in lieu thereof
225 (*Effective July 1, 2006*):

226 (a) On or before April first of each year, the Probate Court
227 Administrator shall prepare a proposed budget for the next succeeding
228 fiscal year beginning July first, for the appropriate expenditures of
229 funds from the Probate Court Administration Fund to carry out the
230 statutory duties of the Probate Court Administrator. The Probate Court
231 Administrator shall submit the proposed budget to the executive
232 committee of the Connecticut Probate Assembly for review. The
233 executive committee shall obtain input on the proposed budget from
234 the Connecticut Probate Assembly. The executive committee, after
235 obtaining such input, shall return the proposed budget to the Probate
236 Court Administrator no later than May first, together with its
237 comments and recommendations concerning the proposed
238 expenditures. The Probate Court Administrator shall thereafter
239 prepare a proposed final budget, including such changes
240 recommended by the executive committee as the Probate Court
241 Administrator deems appropriate. On or before May fifteenth, the
242 Probate Court Administrator shall transmit the proposed final budget
243 to the Chief Court Administrator for approval, together with the
244 comments and recommendations of the executive committee of the
245 Connecticut Probate Assembly. On or before June fifteenth of that year,

246 the Chief Court Administrator shall take such action on the budget, or
247 any portion thereof, as the Chief Court Administrator deems
248 appropriate. If the Chief Court Administrator fails to act on the
249 proposed budget on or before June fifteenth, the budget shall be
250 deemed approved as proposed. For the budget prepared and
251 approved under this subsection for the fiscal year ending June 30, 2007,
252 and for each fiscal year thereafter, the percentage of any increase in the
253 total amount of such budget over the total amount of the budget for
254 the immediately preceding fiscal year shall not exceed the percentage
255 of the estimated increase in the Probate Court Administration Fund for
256 the immediately preceding fiscal year, provided any cost of living
257 increases for authorized positions as of June thirtieth of the
258 immediately preceding fiscal year shall not be included for the
259 purposes of calculating any budget increase under this subsection.

260 (b) The Probate Court Administrator may, from time to time,
261 request authority from the Chief Court Administrator to expend
262 additional money from the Probate Court Administration Fund to
263 respond to any matter that could not have been reasonably anticipated
264 in the regular budget process. A copy of all such requests shall be sent
265 to the [president judge] president-judge of the Connecticut Probate
266 Assembly, who shall review the request, obtain input on the request
267 from the Connecticut Probate Assembly and, after obtaining such
268 input, submit any comments with respect to the request to the Probate
269 Court Administrator and the Chief Court Administrator within seven
270 calendar days from receipt of the request. If the Chief Court
271 Administrator fails to act on the request within twenty-one calendar
272 days of receipt [of] from the request, the request shall be deemed
273 approved.

274 Sec. 509. (*Effective from passage*) The Probate Court Administrator, in
275 consultation with the executive committee of the Connecticut Probate
276 Assembly after the executive committee obtains input from the
277 Connecticut Probate Assembly, shall prepare a report examining the
278 payment of indigent costs in the probate court system and make
279 recommendations as to the appropriate source of funding for such

280 costs. Not later than November 15, 2006, the Probate Court
281 Administrator shall submit such report and recommendations to the
282 Secretary of the Office of Policy and Management and the joint
283 standing committees of the General Assembly having cognizance of
284 matters relating to the judiciary and appropriations and the budgets of
285 state agencies, in accordance with the provisions of section 11-4a of the
286 general statutes."